

DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

FILE: B-215288

DATE: November 14, 1984

MATTER OF: Frontier Manufacturing Company

DIGEST:

A bid under a brand name or equal solicitation which fails to indicate conformance with salient characteristics is properly rejected as nonresponsive and cannot be cured by information furnished after bid opening.

Frontier Manufacturing Company (Frontier) protests the rejection of its low bid in response to invitation for bids (IFB) No. 8FCO-H3-49367 issued by the General Services Administration (GSA) for Penco Products (Penco) widespan storage shelving units or equal.

We deny the protest.

Frontier offered Frontier brand shelving as an equal product. Frontier's bid was rejected as nonresponsive after GSA determined that the descriptive data submitted with its bid did not show that all of the salient characteristics of the shelving parts identified in the IFB would be met.

Frontier alleges that, in determining the responsiveness of its bid, GSA improperly failed to consider Frontier's bill of material submitted in addition to a catalog as part of its bid. The bill of material lists the Frontier brand shelving parts offered and the dimensions and weight capacity of the parts and states that they are equal to the brand name shelving parts solicited. Frontier maintains that its bill of material contained adequate information for GSA to determine that the Frontier shelving parts offered, including the Frontier brand rigidity beams, shelves and upright frames (which GSA states it was unable to evaluate due to insufficient descriptive data), are equal to the Penco parts.

To be responsive to a brand name or equal solicitation, a bid offering an equal product must contain sufficient descriptive literature to permit the contracting activity to assess whether the offered product possesses each salient characteristic specified in the solicitation. It is not

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enough that the bidder believes his product is equal or makes a blanket statement that all salient characteristics are met. Rather, we have held that the responsiveness of an equal bid depends on the completeness of the information submitted or reasonably available. Schlegel Associates, Inc., B-213739, June 28, 1984, 84-1 C.P.D. ¶ 688; The Library Store, Ltd., B-213258, Feb. 9, 1984, 84-1 C.P.D. ¶ 162; Sutron Corporation, B-205082, Jan. 29, 1982, 82-1 C.P.D. ¶ 69.

In this connection, the IFB cautioned that it was each bidder's responsibility to furnish adequate information to permit an evaluation of the characteristics of an equivalent product where a product other than the brand name was offered.

Frontier's bid falls short of establishing the equality of its product. Frontier maintains that the Frontier brand rigidity beam is equal to the brand name beam. Among the salient characteristic requirements for rigidity beams, the IFB specified that the beams be 3 inches high and 72 inches long and contain a factory-installed spring locking clip to prevent accidental beam dislodgement. The descriptive information furnished with Frontier's bid does not indicate the rigidity beam offered meets these characteristics. Frontier's bill of material states that its rigidity beam is 3-1/2 inches high, instead of 3 inches, and neither Frontier's bill of material nor its catalog contains any information on the safety locking clip characteristic. Therefore, we agree with GSA that Frontier's bid failed to include sufficient descriptive material to establish that the rigidity beam salient characteristics would be met. Since Frontier's bid was nonresponsive on this basis, it is not necessary for us to address Frontier's complaints concerning GSA's evaluation of the other Frontier brand shelving parts offered. Sutron Corporation, B-205082, supra.

Frontier also argues that, before rejecting its bid as nonresponsive, GSA should have permitted the firm to supply sample shelving parts to verify that the parts meet the salient characteristic requirements. However, it is well established that a bidder's intention to comply with specifications must be determined from the face of the bid

itself without resort to any explanation or evidence furnished after bid opening. The Library Store, Ltd., B-213258, supra; Le Prix Electrical Distributors, Ltd., B-212518, Dec. 27, 1983, 84-1 C.P.D. ¶ 26.

for *Milton J. Aroskar*
Comptroller General
of the United States